

**UNITED STATES DISTRICT COURT
DISTRICT COURT OF MINNESOTA**

IN RE PORK ANTITRUST
LITIGATION

Case No. 18-cv-01776 (JRT-HB)

Honorable John R. Tunheim

This Document Relates To:

THE DIRECT PURCHASER
PLAINTIFF ACTION

**STATUS UPDATE REGARDING
DIRECT PURCHASER
PLAINTIFFS' CLAIMS
PROCESS**

The Direct Purchaser Plaintiffs (“DPPs”) respectfully submit this further status update to the Court regarding the previously-approved notice program and claims process.

Background

On March 7, 2022, this Court approved the notice plan and claims process to JBS and Smithfield Settlement Class members. *See* ECF No. 1208 (Order approving Notice Plan and Claims Process, “Order”). The notice plan and claims process provided Settlement Class members with direct notice and included individualized and pre-populated claim forms, as well as information on (1) how to make a claim, (2) how to get more information, and (3) the relevant deadlines.

Following the Order, the Claims Administrator implemented the Notice Plan and Claims Process, and notice was disseminated to the Settlement Class members on April 15, 2022. Both the Settlement Administrator and Interim Co-Lead Counsel communicated with Settlement Class members regarding their claims and answered questions promptly. The deadline to submit a claim and/or object to the Fee Motion was June 14, 2022. ECF No. 1208.

Status of Claims Administration

The JBS and Smithfield settlements are the first DPP settlements in this litigation, and as a result the Claims Administrator received thousands of claims. Each claim was individually processed, reviewed for eligibility and accuracy, and audited. In many instances, the Claims Administrator requested additional information from claimants, giving them adequate time to respond (at least 30 days each time). This quality control process, although time intensive, is essential to accurately compensate Settlement Class members.¹

This claims and audit review process now is nearing completion. By July 19, 2023, DPPs intend to move the Court to approve a proposed distribution of settlement proceeds.²

Conclusion

Interim Co-Lead Counsel will continue to work with the Claims Administrator and closely monitor the ongoing claims process. Should the Court require additional information, Interim Co-Lead Counsel is available.

¹ Since these are the first claims submitted by Settlement Class Members in this case, the number of claims received is large, and the claims vetting and administration process necessarily has been time-consuming. In the event of subsequent recoveries in this litigation, a Settlement Class Member whose claim has already been approved by the Claims Administrator and the Court will not be required to submit a new claim and will have the option of relying on its existing claim. Therefore, the administration and distribution of any subsequent recoveries will be more streamlined.

² In the event the Claims Administrator has not finished the audit process by July 19, 2023, DPPs will file a further status update with the Court on or before that date.

Date: March 17, 2023

/s/ Michael H. Pearson

Clifford H. Pearson (*Pro Hac Vice*)
Daniel L. Warshaw (*Pro Hac Vice*)
Bobby Pouya (*Pro Hac Vice*)
Michael H. Pearson (*Pro Hac Vice*)
PEARSON WARSHAW, LLP
15165 Ventura Boulevard, Suite 400
Sherman Oaks, CA 91403
T: (818) 788-8300
F: (818) 788-8104
cpearson@pwfirm.com
dwarshaw@pwfirm.com
bpouya@pwfirm.com
mpearson@pwfirm.com

W. Joseph Bruckner (MN #0147758)
Brian D. Clark (MN #0390069)
Joseph C. Bourne (MN #0389922)
Arielle S. Wagner (MN #0398332)
Stephen M. Owen (MN #0399370)
LOCKRIDGE GRINDAL NAUEN
P.L.L.P.

100 Washington Avenue South
Suite 2200
Minneapolis, MN 55401
T: (612) 339-6900
F: (612) 339-0981
wjbruckner@locklaw.com
bdclark@locklaw.com
jcbourne@locklaw.com
aswagner@locklaw.com
smowen@locklaw.com

Bruce L. Simon (*Pro Hac Vice*)
Benjamin E. Shiftan (*Pro Hac Vice*)
Neil Swartzberg (*Pro Hac Vice*)
PEARSON WARSHAW, LLP
555 Montgomery Street, Suite 1205
San Francisco, CA 94111
T: (415) 433-9000
F: (415) 433-9008
bsimon@pwfirm.com
bshiftan@pwfirm.com
nswartzberg@pwfirm.com

Melissa S. Weiner (MN #0387900)
PEARSON WARSHAW, LLP
328 Barry Avenue South, Suite 200
Minneapolis, MN 55391
T: (612) 389-0600
F: (612) 389-0610
mweiner@pwfirm.com

*Interim Co-Lead Class Counsel for the
Direct Purchaser Plaintiff Class*